



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7431 TDD (304) 284-7512  
FAX (304) 284-7534 [www.morgantownwv.gov](http://www.morgantownwv.gov)

February 18, 2016

Timothy and Stephanie Dawson  
1525 Hyatt Avenue  
Morgantown, WV 26505

**RE: V16-05 / Dawson / 1525 Hyatt Avenue  
Tax Map 23, Parcel 25 and part of Parcel 27**

Dear Mr. Dawson:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petition relating to the proposed development at 1525 Hyatt Avenue. The decisions are as follows:

**Board of Zoning Appeals, February 17, 2016:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a five (5) foot front setback variance relief and a ten (10) foot rear setback variance relief from Article 1335.04 as requested without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

**ADDENDUM A – Approved Findings of Fact**  
**V16-05 / Dawson / 1525 Hyatt Avenue**

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This request will only affect one single-family residence lot and should have no effect on the public health, safety or welfare, or the rights of adjacent property owners or residents.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The lot's slope and depth restrict the development of a newly constructed single-family residence to allow adequate parking depth without encroaching into the rear setback and effectively utilizing on increased front setback. The irregularly shaped parcel and zoning requirements (setbacks) appear to prevent safe and adequate off-street parking.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Variance relief will permit the construction of a single-family residence on a newly created irregularly shaped parcel. Variance relief should not create other unnecessary hardships because the rear of the property abuts Deland Avenue, which is not open.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Variance relief will permit the necessary depth for off-street parking to promote / improve safety and visibility while entering and exiting the newly constructed single-family residence for the residents and those traveling the narrow street of Hyatt Avenue. The proposed setback distances appear to be consistent with surrounding properties with similar attributes.